

February 7, 2025

BY ECF

Honorable Arlene Rosario Lindsay
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Cortez v. United States*, No. 2:24-CV-7532 (JMA/ARL)

Dear Judge Lindsay:

The above-reference putative class action under the Little Tucker Act, 28 U.S.C. § 1346(a)(2), was filed on October 29, 2024. The case was provisionally assigned to Your Honor for all purposes as part of the Pilot Program under EDNY Administrative Order 2023-23 (*see* ECF No. 6), but on December 18, 2024, it was reassigned to Judge Azrack, with Your Honor remaining the assigned Magistrate Judge. In the meantime, by Order dated December 5, 2024, Your Honor extended the Government's deadline to answer, move against, or otherwise respond to the Complaint until February 3, 2025, and scheduled an initial conference pursuant to Fed. R. Civ. P. 16(b) for next Wednesday, February 12, 2025, at 11:00 am.

On February 3, 2025, the Government submitted a letter to Judge Azrack seeking a premotion conference as to its intended motion to dismiss the Complaint for lack of subject matter jurisdiction under Rule 12(b)(1). ECF No. 17. Plaintiff Douglas Cortez intends to submit his responsive premotion letter next week.

With the consent of the Government, Plaintiff now respectfully requests that the Court adjourn the Rule 16(b) conference scheduled for February 12, and to correspondingly stay discovery in the action, until the parties have completed briefing on the Government's motion to dismiss, and on Plaintiff's placeholder motion for class certification. During that time, the parties also intend to pursue discussions aimed at

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resolving this action. At the conclusion of said briefing, the parties will meet and confer to assess whether it makes sense to continue the stay of discovery or to ask the Court to schedule a Rule 16(b) conference so that discovery may commence.

We appreciate the Court's time and attention to this matter.

Respectfully submitted,



F. Franklin Amanat
Motley Rice LLC

Counsel for Plaintiff

cc (by ECF notification and courtesy email):
AUSA Robert W. Schumacher, II
All counsel of record